



North Coast Regional Water Quality Control Board

November 19, 2019

Certified Mail No. 7016 2710 0000 2635 9568

Patricia A. Byarlay
P.O. Box 896
Laytonville, CA 95454

Dear Ms. Byarlay:

Subject: Notice of Violation, Directive to Obtain Regulatory Coverage for Cannabis Cultivation, and Transmittal of Inspection Report for July 16, 2019, Inspection of Mendocino County Assessor's Parcel No. 033-040-34

File: Cannabis Inspections, Mendocino County, 2019, 190716 Patricia Byarlay
033-040-34, CIWQS Place ID No. 859917

This letter is to notify you of observed violations of the requirements listed below for unauthorized discharges to waters of the state from the above-referenced parcel (Property):

California Water Code (Water Code) sections 13260 and 13264

Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1 Prohibitions 1 and 2

This letter directs you, within 30 days, to take action to comply with Water Code 13260. In addition, this letter directs you, within 30 days, to contact Regional Water Board staff to advise of your plan to implement recommendations in the attached report.

A. Background

On July 16, 2019, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife (CDFW), California Department of Food and Agriculture CalCannabis Bureau, State Water Resources Control Board Division of Water Rights, and various law enforcement personnel, inspected the subject Property.

The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state.

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

Attached is a copy of the water quality inspection report (July 15, 2019 Inspection Report). Please review the Inspection Report carefully and completely. The Inspection Report contains recommendations for correcting observed violations and water quality concerns observed on the Property, and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

B. Relevant Requirements

During the inspection, Regional Water Board staff observed features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these requirements and regulations.

C. Observed Violations

As documented in the July 16, 2019 Inspection Report, Regional Water Board staff observed cannabis cultivation and associated site disturbance of sufficient size and scope to require regulatory coverage under State Water Resources Control Board (State Water Board) Order No. WQ-2017-0023-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Statewide General Order). The Regional Water Board has no record of this Property's enrollment under the Statewide General Order. Outdoor cannabis cultivation activities in California with land disturbance of 2,000 square feet or more that are not enrolled for coverage under the Statewide General Order or individual waste discharge requirements violate Water Code section 13260. Staff also observed violations of Water Code sections 13260, 13264, and Basin Plan section 4.2.1 Prohibitions 1 and 2 at the Property locations identified as inspection points 1-3, 7-13, 15-17, and 22, in the July 16, 2019, inspection report.

D. Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan warrant further enforcement. We encourage you to take steps, to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented in the Inspection Report, may represent continuing violations of the Water Code and Basin Plan.

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both pursuant to Water Code section 13350.

E. Directive to Obtain Regulatory Coverage

Based on the observations detailed in the attached inspection report, and mentioned above, the Regional Water Board has determined that you are required to comply with Water Code section 13260 by taking one of the following actions within **30 calendar days of this letter**:

Enroll the property under the Statewide General Order by providing the information required in the online application process. The application can be accessed at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/

Submit the application fee within **30 days** of submitting the on-line application. Failure to submit the application fee within 30 days will result in the application being voided and authorization terminated. Payments shall be identified using the Fee Payment Application Number (found on the Notice of Receipt). All checks or money orders shall be made payable to: "State Water Resources Control Board," and shall be delivered to:

(By US Mail):

Accounting Office
Attn: Water Quality Fees –
Cannabis General Order
P.O. Box 1888
Sacramento, CA 95812-1888

(In person or by courier delivery):

Accounting Office
Attn: Water Quality Fees –
Cannabis General Order
1001 I Street
Sacramento, CA 95814-2828

File a Report of Waste Discharge in order to obtain individual Waste Discharge Requirements (WDRs) specific to your property.

Please submit the appropriate documents and payments to:

North Coast Water Board
Attn: Diana Henriouille
Enforcement Unit
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

OR

If you believe regulatory coverage is not required under either of the options listed above, either because you and/or your tenants elect to not resume or continue cannabis cultivation or associated activities, or because the operations that are occurring are not subject to regulation under the Statewide General Order or individual WDRs, please provide a written response explaining your non-applicability (with all supporting documentation including photos if necessary) to the Regional Water Board at the address provided above. Regional Water Board staff may contact you to verify your response.

Water Code section 13260 states, in relevant part:

(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board:

- (1) Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.

Water Code section 13264 states, in relevant part:

(a) No person shall initiate any new discharge of waste or make any material changes in any discharge...prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:

- (1) The issuance of waste discharge requirements pursuant to Section 13263.

Failure to comply with Water Code sections 13260 and 13264 may result in an administrative civil liability under Water code sections 13261 and 13265 not to exceed \$1,000 per violation for each day in which each violation occurs.

F. Inspection Report Recommendations

As mentioned above, the July 16, 2019, inspection report provides recommendations to correct violations, as well as to address features and conditions that threaten to impact water quality.

Within 30 days of this letter, please advise Maurice Washington of your intentions, plan, and schedule to implement recommendations in the inspection report. Maurice can be reached at (707)576-2831 or, by email at Maurice.Washington@waterboards.ca.gov.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

If you have any questions regarding this matter, please contact Maurice Washington at the telephone number or email above. You may also contact me at Diana.Henriouille@waterboards.ca.gov or by telephone at (707) 576-2350. Additionally, we are available to meet with you if you wish to discuss this letter, in inspection report, or our waste discharge regulatory programs in further detail.

Sincerely,

Diana Henriouille, P.E.
Enforcement Unit

191119_MTW_er_Patricia Byarlay Inspection_NOV

Attachments: Attachment A – Regulatory Citations
July 16, 2019, Water Quality Inspection Report

cc: Mendocino County

Trent Taylor, Daniel Knapp, Brian Webb
taylor@mendocinocounty.org, knappdj@mendocinocounty.org,
webbbb@mendocinocounty.org

Department of Fish and Wildlife

Angela Liebenberg, Angela.Liebenberg@wildlife.ca.gov

North Coast Regional Water Quality Control Board

Kason Grady, Kason.Grady@waterboards.ca.gov

California Department of Food and Agriculture, CalCannabis Bureau

Tabatha Chavez, Tabatha.Chavez@cdfa.ca.gov

State Water Resources Control Board Division of Water Rights

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov
Renee Avila, Renee.Avila@Waterboards.ca.gov
Cann Doan, Cann.Doan@waterboards.ca.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 1	Prohibits “[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses.”
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”
California Water Code Section 13260	<p>“(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:</p> <p style="padding-left: 40px;">(1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.</p> <p style="padding-left: 40px;">(2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”</p>
California Water Code Section 13261(a)	“A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
California Water Code Section 13264 (a)	“No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:”

Regulatory Section	Citation
California Water Code Section 13265(a)	“Any person discharging waste in violation of Section 13264 , after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense.”
California Water Code Section 13350	“A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).”

North Coast Regional Water Quality Control Board

TO: Diana Henriouille

FROM: Maurice Washington

DATE: November 15, 2019

Inspection Report for July 16, 2019, Warrant Inspection Mendocino County Assessor's Parcel Number 033-040-34

File: Cannabis Program Inspections, Mendocino County, July 2019 MCSO
Inspections, Patricia Byarlay, CIWQS Place ID. 859917

Property information:

County: Mendocino

Physical address: 8400 Simmerly Road, Laytonville, CA 95454

APN: **033-040-34**

Owner: Patricia Byarlay

Transaction History: Last transfer June 13, 2016. Last sale September 15, 2003; seller Clement and Geraldine Mora.

Size: 205.43 acres.

Watershed: Eel River Hydrologic Unit; Middle Eel River Hydrologic Area; Spy Rock Hydrologic Subarea (HU/HA/HSA 111.42; Table 2-1, Water Quality Control Plan for the North Coast Region).

Aerial Imagery Notes (Google Earth Pro): Structures visible in July 2003 imagery. Additional roads and clearings at several locations on the parcel visible in next available imagery, July 2004. Patterns indicative of cannabis cultivation visible in September 2010 imagery. Patterns indicative of cannabis cultivation visible in several additional areas throughout the parcel in August 2017 imagery as compared with previous (August 2014) imagery.

Regulatory status with the Regional Water Board:

Site Development: N/A

Applicable programs: 401 Water Quality Certification

Onsite activities/operations: N/A.

Applicable programs: Cannabis Cultivation General Order No. WQ 2019-0001-DWQ

Inspection information:

Date/time: July 16, 2019

Type: Mendocino County Sheriff's Office Warrant Inspection

Attendance:

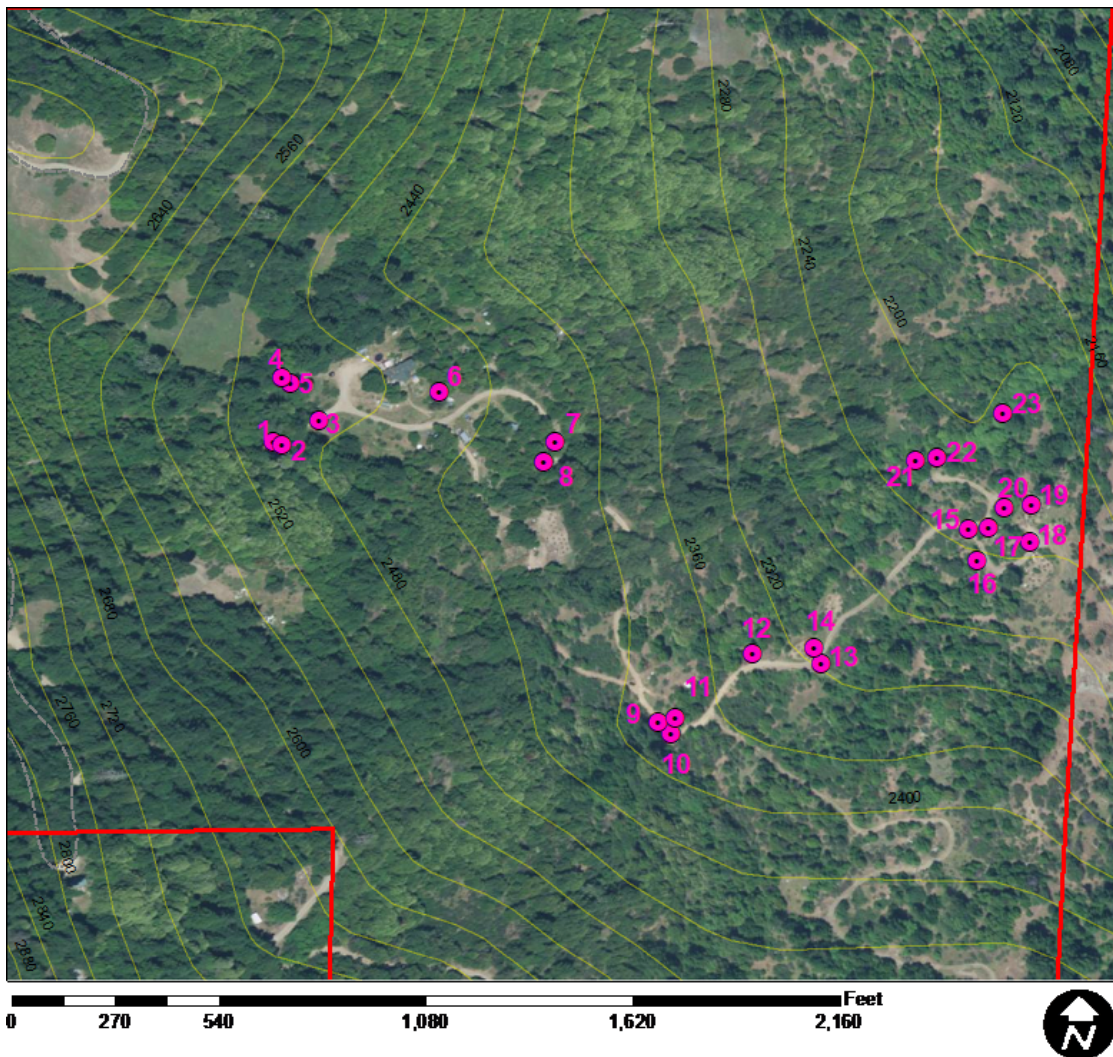
Maurice Washington, WRCE, North Coast Regional Water Quality Control Board
Renee Avila, Environmental Scientist, Division of Water Rights, State Water Board
Cann Doan, Environmental Scientist, Division of Water Rights, State Water Board
Angela Liebenberg, Senior Environmental Scientist, California Department of Fish & Wildlife

Joseph Kermish-Wells, Environmental Scientist, California Department of Fish & Wildlife
CalCannabis Bureau
Mendocino County Sheriff Office
California National Guard
Cal Fire
U.S. Forest Service
Bureau of Land Management

Background/Objective:

North Coast Regional Water Board (Regional Water Board) staff participated with staff of the Mendocino County Sheriff's Office (MCSO), California Department of Fish and Wildlife (CDFW), CalCannabis Bureau, State Water Board's Division of Water Rights (DIV), and personnel from various law enforcement agencies in four days of inspections of multiple cannabis cultivation sites in Mendocino County, on July 15-18, 2019. Inspection objectives for Regional Water Board staff included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and ground water.

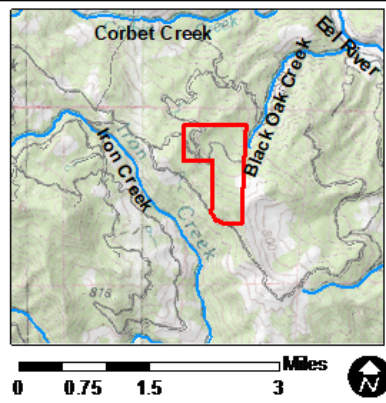
Inspection Map



**Mendocino County
 APN 033-040-34-00
 Patricia Byarlay Property**

Waypoints_16JUL19	Mapped Stream
Outdoor	* Watercourse
Greenhouse	Topographic Contours (feet)
Byarlay Property Boundary	* Roads

* Line or symbol drawn by report author.
 Note: The base layer in this map is USDA2016 NAIP Imagery



Inspection Observations

On July 16, 2019, I inspected the Byarlay property (Property). The inspection map above shows the inspection points identified and discussed below.

Development on this property includes an extensive road network with watercourse crossings and multiple clearings, with active cannabis cultivation on at least two of the areas (identified as inspection points 14 and 18 in this report). I observed two large water storage tank areas, at inspection points 5 and 21, at the approximate western and eastern extent of the portion of the Property that we inspected.

We accessed the Property via Simmerly Road, which crosses through the western portion of the Property with multiple switchbacks. Heading along the entry access road, we passed three locations (inspection points 1, 2, and 3) where the road crosses through watercourses with no apparent stable conveyance for stream flows. Fill extended from the road into the stream channels beyond the roadway. At inspection point 5, I observed the upper, westernmost water storage tank area. East of the upper tank area, at inspection point 6, I observed an aluminum shed structure with gasoline generators and gasoline containers sitting on the bare ground (photo 6). Farther east along the road, at inspection points 7 and 8, the roadway crossed through a watercourse. I observed culvert openings at both sides of the road, partially buried and surrounded by loose fill, that extended into the watercourse channel and adjacent riparian areas (photos 7 – 9). South of inspection points 7 and 8, I observed an additional stream crossing, at inspection points 10 and 11, where a 3 foot-diameter culvert had been set in the channel and covered with loose fill. Here, also, I observed fill that had been spread or pushed over the channel and riparian area adjacent to the crossing. Fine sediment extended along the channel beyond the placed fill (photos 11 – 14).

Continuing farther east along the access road, at inspection point 13, I observed that the roadway encroached on/partially buried what appeared to be a wetland seep (photo 17). Less than 40 feet from the seep, I observed a fenced flat area with patch tall grass and several cannabis plants in grow bags/rings (inspection point 14). Farther east along the road, at inspection points 15, 16, and 17, I observed further evidence of unpermitted instream work, where the road had been built through a watercourse, with associated stream and riparian disturbance, loose fill, and sediment discharges. I observed an undersized, misaligned culvert comprised of both PVC and HDPE. I estimate approximately 600 linear feet of riparian area, streambank, and stream channel was disturbed due to unpermitted instream work at inspection points 10, 11, 15, 16, and 17.

Just east of the stream crossing at inspection points 15-17, near the eastern edge of the Property, I observed a second cannabis cultivation area, inspection point 18, with several cannabis plants in grow bags. A portion of this cultivation area was within 70 feet of the watercourse affected by the crossing at inspection points 15-17.

Within the cultivation area, I observed soil amendments, uncovered and uncontained, approximately 70 feet from a watercourse.

Continuing on the access road beyond the cultivation area, I observed cultivation-related waste, including old polyethylene irrigation lines and used chemical/fertilizer containers, at inspection points 21 and 22. In addition, I observed an unpermitted point of diversion (POD) in a watercourse at inspection point 23.

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
1	Watercourse crossing	Road crosses watercourse channel.	Direct discharge of sediment to waters of the state	1
2 & 3	Watercourse crossing	Road built across watercourse channel.	Dredge/fill in surface water. Discharge and threatened discharge of waste to receiving waters. Construction-related earthen material placed in and where it can enter surface waters.	2 & 3
4	Pesticides, Fertilizers, and Chemicals	Unknown chemical bottles stored on the ground, with no secondary containment.	Threatened discharge of waste to waters of the State.	4
5	Water Storage	Primary water storage tanks.	N/A	5
6	Generators	Structure for storage of generators and gas tanks. The gas tanks sit on the bare ground with no secondary containment.	Threatened discharge of waste to waters of the State	6

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
7 & 8	Watercourse Crossing Watercourse	Culvert placed in a class III watercourse channel. Inlet/outlet of culvert submerged with sediment from unstable fill slope. Riparian and streambank area upstream of inlet disturbed.	Dredge/fill in surface water. Discharge and threatened discharge of waste to receiving waters. Construction-related earthen material placed in and where it can enter surface waters	7 - 9
9	Watercourse	Unauthorized instream work with discharge of road fill into watercourse.	Direct discharge of sediment into waters of the state and unpermitted instream work.	10
10 & 11	Watercourse Crossing	Unauthorized culvert installation, discharge of sediment from unstable fill slope into watercourse, and disturbance of approximately 200 feet of riparian area.	Direct discharge of sediment into waters of the state and unpermitted instream work.	11 - 14
12 & 13	Watercourse	Discharge of road fill into watercourse and into a wetland seep.	Direct discharge of sediment into waters of the state.	17
14 & 18	Active cannabis cultivation	Active cannabis cultivation site within riparian setback from seep (Map Point 14). Active cannabis cultivation area number two (Map Point 18).	Cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order.	18 & 22

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
15	Watercourse	Class III watercourse with riparian vegetation disturbance and debris in channel.	Unauthorized instream work. Direct discharge of sediment into waters of the state.	19
16 & 17	Watercourse, Watercourse Crossing	Class II watercourse with approximately 400 linear feet of riparian vegetation & bank disturbance. Misaligned culvert made of HDPE and PVC.	Undersized culvert failure to accommodate 100-year flood flow	20 & 21
19	Fertilizers and Soil Amendments	Bags of soil amendments stored in cultivation area in a riparian setback of a class ii watercourse.	Improper storage of soil amendments in a riparian setback.	23
20	Watercourse	Class II watercourse near cultivation area.	N/A	24
21	Water Storage	Water storage tank and gasoline powered pressure washer used as a water pump in riparian setback.	Off stream water storage tank and gas-powered pump in riparian set back	25
22	Water Conveyance	Old polyethylene tubing lining watercourse channel.	Cultivation debris in watercourse.	26
23	Point of Diversion	Illegal point of diversion in watercourse.	Illegal pumping of water, with no water right on record.	27

A comparison of conditions observed on the site with categories of activities typically associated with water quality concerns at cannabis cultivation sites:

1. Site maintenance, erosion control and drainage features: As discussed above, I observed several locations where the access road had been built across or through watercourses and/or wetland features.
2. Stream crossing maintenance and improvement: As discussed above, I observed and identified three unpermitted culverts and eight areas with streambank/riparian disturbance, or sediment discharge into watercourses.
3. Stream and wetland buffers: The cultivation area at inspection point 14 was approximately 40 feet from a wetland seep, and the cultivation area at inspection point 18 was approximately 70 feet from a watercourse.
4. Spoils management: I observed several locations where earthen spoils associated with road construction had been pushed into watercourses.
5. Water storage and use: As discussed above, I observed two primary water storage tank areas. The easternmost of the two was located close to a watercourse. In addition, we observed an illegal point of diversion (POD) from watercourse.
6. Irrigation runoff: I did not observe evidence of irrigation runoff during the inspection.
7. Fertilizers and soil amendments: I observed soil amendments approximately 70 feet from a watercourse in the riparian area.
8. Pesticides: I did not observe pesticides during the inspection.
9. Petroleum products and other chemicals: I observed empty fertilizer and chemical containers throughout the parcel at locations where spilled or leaked material could enter or be transported into receiving waters. I observed fuel containers within 40 feet of surface waters.
10. Cultivation-related wastes: I observed accumulations of old irrigation lines in watercourse channels.
11. Refuse and human waste: I observed refuse uncovered and/or uncontained at several locations throughout the property. I did not observe, or review features associated with human waste containment or disposal.

Recommendations:

1. Retain a licensed professional to inventory, assess, and develop a workplan and schedule to implement measures to ensure that all developed features, roads, watercourse crossings, and cultivation areas throughout the Property are corrected, restored, and/or maintained in conditions that prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses. Include measures to ensure that unstable features caused or affected by onsite development and operations are removed or otherwise protected so as to minimize the potential for these features to cause adverse impacts to water quality and beneficial uses. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.

2. Engage an appropriately licensed, qualified professional to conduct a U.S. Army Corps verified forensic wetland delineation of the entire Property. Engage an appropriately qualified professional with relevant experience in wetland restoration to prepare and submit a wetland restoration plan which includes but is not limited to, a project description, goal of restoration, implementation plan and schedule, plan for monitoring and site maintenance following restoration, and contingency measures addressing the diversity index of wetland/ non-wetland native plant species occurring on the Property. The plan should include proposed mitigation to address the temporal and permanent losses of wetland value and function. The plan should include specifications for debris removal and disposal.

3. Retain a qualified professional to develop a workplan and schedule to remove the sediment/fill, culverts, and the point of diversion from their respective watercourses. The table below identifies locations where staff observed sediment/fill in and where it could enter surface waters; ensure that the workplan includes specifications and a schedule to address these features. The site assessment associated with Recommendation 1., above, may identify additional such features on the Property, and the workplan should include these as well. In addition, apply for the appropriate permits and submit engineered plans for all instream work. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.

Feature	Inspection Point(s)	Description	Photo(s)
3 Culverts	7,8,10,11,16,17	Unpermitted instream work. Improper installation of undersized culverts which would not accommodate 100-year flow events. Culverts have unstable fill slopes.	7 – 9, 11 – 12, 20, 21
Point of Diversion	23	Applicable permits and approvals required to divert any portion of a natural watercourse.	27
3 locations with cultivation waste	9, & 22	Old polyethylene irrigation lines in the watercourse.	10 & 26
10 locations with sediment/fill/debris in or at locations where it could enter receiving waters	1,2,7,8,9,11,12,13,15,17	Sediment and fill from access roads and unstable fill slopes from unpermitted stream work. These inputs threaten or are direct discharges to waters of the state.	1,2,7,8,9,10,11,14,15,16,17,19,20

4. Work with CDFW and the State Water Resources Control Board's Division of Water Rights (DIV) to determine and secure any applicable permits or licensing required for surface water diversion, storage, and use on the site. If the existing surface water diversions do not meet applicable CDFW or DIV requirements, remove diversion infrastructure from surface waters and ensure that restoration plans developed pursuant to Recommendation 1, above, include provisions for restoring any instream or riparian disturbance associated with this features or removal thereof.

5. Prior to conducting any instream work associated with recommendation 3, above, submit to the Regional Water Board an application for Clean Water Act section 401 water quality certification, and secure approval from the Regional Water Board.

The 401 Application may be found at the following hyperlink:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/wqc_docs/031616_401-Application.pdf

6.If the property owner and/or tenant(s) choose to continue to cultivate cannabis, enroll for coverage under and take steps to comply with the requirements of the CANGO (Order WQ 2017-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities). More information about the CANGO can be found at this hyperlink:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcango101717.pdf

7.In the event that the property owner and/or tenant(s) propose in the future to develop or use the Property in a manner or method that will or may result in a discharge of waste to waters of the state in the future, staff recommend that the owner(s)/tenant(s) be aware of and comply with relevant regulatory requirements for water quality protection. For example, Water Code section 13260 requires that a person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system shall file with the appropriate regional board a report of the discharge. Further, Water Code section 13264 states, in part: "No person shall initiate any new discharge of waste or make any material changes in any discharge...prior to the filing of the report required by Section 13260." In addition, projects involving the disturbance of an acre or more of land are subject to regulation under the State Water Board's Construction General Stormwater permit, and projects involving dredge or fill in waters of the United States are subject to regulation under Clean Water Act section 401. You may find further information about Water Board permits that may apply to proposed site development or land use activities at this hyperlink:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/permit/

8.Collect and dispose of or contain all refuse and cultivation-related wastes in a location and manner so as to minimize potential for these wastes to enter or be transported into receiving waters.

9.Store and contain all chemicals, including petroleum, fertilizer and/or pesticides properly to prevent spillage and discharge to receiving waters. Provide secondary containment for all petroleum products.

Enforcement Discretion:

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.

PHOTO APPENDIX



Photo – 1 Rock and dirt in watercourse channel.



Photo – 2 Sediment and road fill in a watercourse.



Photo – 3 Road rills.



Photo – 4 Chemical bottles on the ground.



Photo – 5 Water storage tanks.



Photo – 6 Generator and gas tanks.



Photo – 7 Road built through a watercourse. A mostly buried culvert is visible in the loose fill and unstabilized fill slope.



Photo – 8 Disturbed streambank and riparian area upstream of culvert.



Photo – 9 Downstream view of culvert inlet filled with road fill and sediment. The streambank is disturbed along with riparian area. The banks show signs of heavy machinery work. The inlet of the culvert is cracked.



Photo – 10 Watercourse channel with road fill pushed into it. In addition, the watercourse channel shows signs of streambank disturbance from heavy machinery.



Photo – 11 Disturbed riparian area and sediment deposits in a watercourse channel.



Photo – 12 Disturbed riparian area, 2-foot culvert, and bare, unstable soil in and around the stream channel.



Photo – 13 Inlet view of culvert.



Photo – 14 Culvert outlet with discharged sediment and loose road fill into watercourse.



Photo – 15 Road fill extending into watercourse channel downstream of culvert outlet.



Photo – 16 Road fill pushed into watercourse.



Photo – 17 Saturated wetland seep-like area, partially buried by the road.



Photo – 18 Cannabis cultivation area.



Photo – 19 Watercourse with riparian and streambank disturbance, and deposited debris and sediment.



Photo – 20 Outlet of 3-foot culvert at inspection point 17.



Photo – 21 Inlet of 3-foot culvert at inspection point 17.



Photo – 22 Cannabis cultivation



Photo – 23 Soil amendments near watercourse.



Photo – 24 Watercourse channel.



Photo – 25 Water storage tanks and gas tanks.



Photo – 26 Old irrigation lines in watercourse



Photo – 27 Point of diversion.